BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF

02-04-08 04:59 PM

	04.38 F W
Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities.	Investigation 07-01-022 (Filed January 11, 2007)
In the Matter of the Application of Golden State Water Company (U 133 E) for Authority to Implement Changes in Ratesetting Mechanisms and Reallocation of Rates.	Application 06-09-006 (Filed September 6, 2006)
Application of California Water Service Company (U 60 W), a California Corporation, requesting an order from the California Public Utilities Commission Authorizing Applicant to Establish a Water Revenue Balancing Account, a Conservation Memorandum Account, and Implement Increasing Block Rates.	Application 06-10-026 (Filed October 23, 2006)
Application of Park Water Company (U 314 W) for Authority to Implement a Water Revenue Adjustment Mechanism, Increasing Block Rate Design and a Conservation Memorandum Account.	Application 06-11-009 (Filed November 20, 2006)
Application of Suburban Water Systems (U 339 W) for Authorization to Implement a Low Income Assistance Program, an Increasing Block Rate Design, and a Water Revenue Adjustment Mechanism.	Application 06-11-010 (Filed November 22, 2006)
Application of San Jose Water Company (U 168 W) for an Order Approving its Proposal to Implement the Objectives of the Water Action Plan.	Application 07-03-019 (Filed March 19, 2007)

SUBURBAN WATER SYSTEMS LATE-FILED NOTICE OF EX PARTE MEETING WITH COMMISSIONER ADVISORS

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Email: Idolqueist@manatt.com

Attorney for Applicant Suburban Water Systems

February 4, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities.	Investigation 07-01-022 (Filed January 11, 2007)
In the Matter of the Application of Golden State Water Company (U 133 E) for Authority to Implement Changes in Ratesetting Mechanisms and Reallocation of Rates.	Application 06-09-006 (Filed September 6, 2006)
Application of California Water Service Company (U 60 W), a California Corporation, requesting an order from the California Public Utilities Commission Authorizing Applicant to Establish a Water Revenue Balancing Account, a Conservation Memorandum Account, and Implement Increasing Block Rates.	Application 06-10-026 (Filed October 23, 2006)
Application of Park Water Company (U 314 W) for Authority to Implement a Water Revenue Adjustment Mechanism, Increasing Block Rate Design and a Conservation Memorandum Account.	Application 06-11-009 (Filed November 20, 2006)
Application of Suburban Water Systems (U 339 W) for Authorization to Implement a Low Income Assistance Program, an Increasing Block Rate Design, and a Water Revenue Adjustment Mechanism.	Application 06-11-010 (Filed November 22, 2006)
Application of San Jose Water Company (U 168 W) for an Order Approving its Proposal to Implement the Objectives of the Water Action Plan.	Application 07-03-019 (Filed March 19, 2007)

SUBURBAN WATER SYSTEMS LATE-FILED NOTICE OF EX PARTE MEETING WITH COMMISSIONER ADVISORS

Pursuant to Article 8 of the Rules of Practice and Procedure of the California Public Utilities Commission, Suburban Water Systems ("Suburban") hereby files this notice of an ex parte meeting with Stephen St. Marie and Laura Krannawitter, advisors to Commissioner Bohn. The meeting took place on January 29, 2008 at 12:15 p.m. at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA, 94102. In attendance were

This notice is one day late, due to a computer systems overhaul at the offices of counsel for Suburban. The one-day delay in filing this ex parte notice does not prejudice the interests of any party to this proceeding.

Mr. St. Marie and Ms. Krannawitter, and Michael Quinn, President, Suburban, Robert Kelly, Vice President Regulatory Affairs, Suburban, and Lori Anne Dolqueist, counsel, Manatt, Phelps & Phillips. The lasted one half hour and consisted of the oral and written communications described below.

Suburban discussed the January 15, 2008 Proposed Decision in the abovereferenced proceeding. Messrs. Quinn and Kelly and Ms. Dolqueist expressed support for the decision, in particular its approval of the settlement agreements entered into by Suburban. Suburban noted, however, that it did not agree with the Proposed Decision's rejection of Suburban's request to recover its costs for participating in the proceeding. Messrs. Quinn and Kelly and Ms. Dolqueist explained that Suburban has incurred over \$200,000 in expenses so far and distributed a table of the timeline for the expenses (Exhibit A). Ms. Dolqueist explained that the expenses are not already included in current rates, that recovery of these expenses would not constitute retroactive ratemaking, and noted that recovery of these expenses is consistent with Commission policy and precedent. Mr. Kelly observed that adopting the Proposed Decision's disallowance of these expenses would mean that Suburban would have no opportunity to recover expenses that it was ordered by the Commission to incur. Mr. Kelly distributed copies of an advice letter filed by California-American Water Company for recovery of similar expenses associated with this proceeding, which the Commission rejected (Exhibit B). Suburban argued that the Commission should modify the Proposed Decision to allow Suburban to recover the expenses it incurs associated with this proceeding.

Dated: February 4, 2008

Respectfully submitted,

Lori Anne Dolqueist

Attorney for Applicant Suburban Water Systems

PROOF OF SERVICE

I, Cinthia A. Velez, declare:

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is One Embarcadero Center, 30th Floor, San Francisco, California 94111. On February 4, 2008, I served a copy of the within document(s):

Suburban Water Systems Late-Filed Notice of Ex Parte Meeting with Commissioner Advisors

on the interested parties in this action addressed as follows:

See attached service list

- (BY PUC E-MAIL SERVICE) By transmitting such document electronically from Manatt, Phelps & Phillips, LLP, San Francisco, California, to the electronic mail addresses listed above. I am readily familiar with the practice of Manatt, Phelps & Phillips, LLP for transmitting documents by electronic mail, said practice being that in the ordinary course of business, such electronic mail is transmitted immediately after such document has been tendered for filing. Said practice also complies with Rule 2.3(b) of the Public Utilities Commission of the State of California and all protocols described therein.
- (BY MAIL) By placing such document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Manatt, Phelps & Phillips, LLP, San Francisco, California following ordinary business practice. I am readily familiar with the practice at Manatt, Phelps & Phillips, LLP for collection and processing of correspondence for mailing with the United States Postal Service, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 4, 2008, at San Francisco, California.

Cinthia A. Velez

Service List

Michael Whitehead San Gabriel Water Company P.O. Box 6010 El Monte, CA 91734

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Exhibit A

And Subsequent Re Conservation/Low Income Rates Cumulative Costs incurred Pursuant to D.18-08-077 Suburban Water Systems

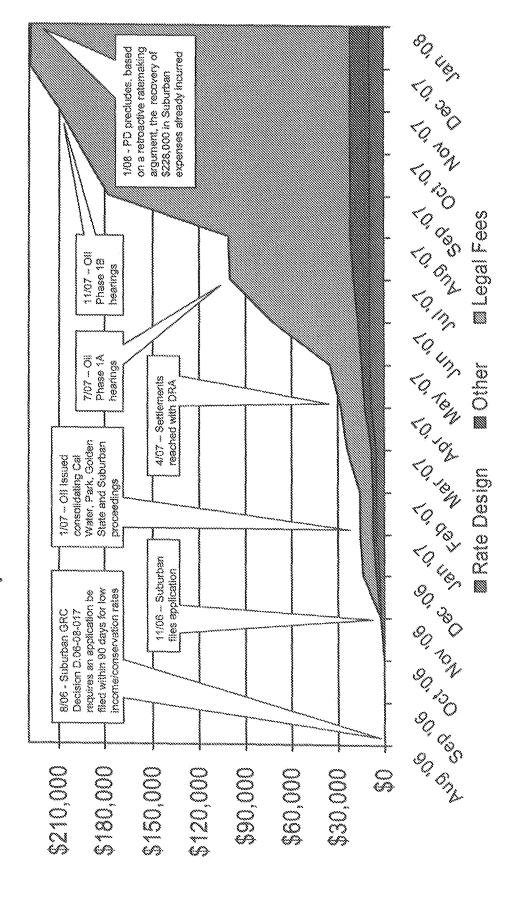


Exhibit B

.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE SANF FRANCISCO, CA 94102-3298



November 13, 2007

David Stephenson Director of Rates & Planning California-American Water Company 4701 Beloit Drive Sacramento, CA 95838

Dear Mr. Stephenson:

This is to inform you that the Water and Audits Division (Division) has reviewed California-American Water Company's (Cal-Am) advice letter of October 16, 2007 (Advice Letter 676-W), requesting authority to establish a memorandum account to track expenses arising from Cal-Am's participation in the Conservation Order Instituting Investigation (Conservation OII). The Division regrets to inform you that it cannot support your request for such a memorandum account. It is hereby rejected without prejudice.

Sincerely,

Fred L. Curry, Chief

Water and Sewer Advisory Branch

Water and Audits Division



4701 Beloit Drive • Sacramento, CA 95838-2434 • (916) 568-4200 • FAX (916) 568-4260 :

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PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA

PUBLIC UTILITIES COMMISSION WATER DIVISION

OCT 16 10U

FILED

October 16, 2007

ADVICE LETTER NO. 676-W

(California-American Water Company ID U-210-W)

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA DIVISION OF WATER AND AUDITS

SUBJECT:

Establish Conservation Order Instituting Investigation Cost Memorandum Account to Track Such Costs of California-American Water Company

California-American Water Company (Applicant or California American Water) (U210W) hereby submits for filing the following tariff sheets that are applicable to all of its districts and are attached hereto:

C.P.U.C. Sheet No.	Title of Sheet	Canceling <u>Sheet No.</u>
4569-W	Preliminary Statement (continued)	4466-W
4570-W	TABLE OF CONTENTS	4568-W

PURPOSE

California American Water hereby requests authority to create the Conservation Order Instituting Investigation Cost Memorandum Account ("COIICMA") to track California American Water's costs of participating in the California Public Utilities Commission's (Commission) Conservation Order Instituting Investigation proceeding. (I. 07-01-022, Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities, filed January 11, 2007, mailed January 16, 2007 (Conservation OII).) California American Water will seek recovery of these costs in its 2008 General Rate Case.

BACKGROUND

1. History of the Conservation Order Instituting Investigation

On January 11, 2007, the Commission adopted its Conservation OII to "address policies to achieve the Commission's conservation objectives for Class A water utilities by requesting comments on increasing block rates, water revenue adjustment mechanisms, rebates and customer education, conservation memorandum accounts, and rationing programs. [The Commission] also consolidate[d] pending conservation rate design applications to set rates and adopt mechanisms and programs in accordance with policies adopted in this proceeding." (Conservation OII at 1.) Later, Assigned Commissioner Bohn bifurcated the proceeding into two phases. Phase 1 would address



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rate design-related conservation measures and Phase 2 would consider the non-rate design conservation measures. (Assigned Commissioner's Ruling and Scoping Memo, I O7-01-022, March 8, 2007.) Administrative Law Judge Grau then bifurcated Phase 1 into Phase 1A and 1B. Phase 1A addressed the conservation rate design applications of Suburban Water Company, California Water Service Company, and Park Water Company. Phase 1B will address two sets of issues: (1) the conservation rate design applications of Golden State Water Company and San Jose Water Company and (2) the impact of conservation and regulatory adjustment mechanisms on risks borne by water utilities, and whether the Commission should adjust water utilities' returns on equity (ROE). (Administrative Law Judge's Ruling Consolidating Application of San Jose Water Company, Modifying Schedule and Addressing Phase I Hearings, I. 07-01-022, May 29, 2007). At this point, there are three phases to this proceeding: Phase 1A, Phase 1B, and Phase 2.

2. California American Water Will Incur Substantial Costs as a Result of Participating in this Proceeding.

When the Commission issued the Conservation OII, California American Water did not expect to be a highly active participant in the proceeding, and thought that it would be able to participate in the proceeding using in-house resources. As the assigned Commissioner and Administrative Law Judge divided the proceeding into multiple phases and considered more complex and wide-ranging issues, however, and as the Commission deferred general rate case issues to the Conservation OII, it became evident that California American Water would have to increase its level of participation. Moreover, due to the complexity of the issues, California American Water realized that it would need the assistance of subject matter experts and outside legal counsel to participate in the proceeding. Naturally, when these resources are required, the cost of participation increases significantly.

Specifically, the Commission's decision in the revenue requirement phase of California American Water's general rate case for its Los Angeles District, D.07-08-030, deferred the issue of the impact of conservation and regulatory adjustment mechanisms on ROE to Phase 1B the Conservation OII. Similarly, the Commission may transfer consideration of some portions of the rate design phase of California American Water's general cases for its Coronado, Larkfield, Sacramento and Village Districts (A.07-01-036, et al. (Sacramento general rate case)) to a subsequent phase of the OII. California American Water did not anticipate these developments at the time it filed its general rate case applications. Indeed, as discussed below, California American Water's Los Angeles general rate case application predates the issuance of the Conservation OII and the Sacramento general rate case was filed shortly after the Conservation OII was mailed.

California American Water expects to file its next general rate case application on January 16, 2008, with rates effective on July 1, 2009. In this application California American Water will request that the Commission authorize it to recover the accumulated costs in this memorandum account through a surcharge on all customer bills.

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3. The Commission Regularly Authorizes the Recovery of Regulatory Expenses Through Rates.

The costs of participating in Commission proceedings are regularly included in the rates of regulated utilities. In particular, water utilities regularly include costs of general rate cases as part of regulatory expense, which is recovered as part of normal operating costs. These costs include, but are not limited to, cost of outside counsel and retained experts. This OII is unique in that it requires participation in much the same manner as a general rate case and addresses issues that the Commission normally resolves in a general rate cases. The OII is not limited, however, to a particular district or general rate case and, as such, were not included as part of California American Water's forecasted regulatory expenses.

California American Water's request to establish the COIICMA meets the test for determining the appropriateness of memorandum accounts. In Resolution W-4276, the Commission held that memorandum accounts are appropriate when:

- > The expense is caused by an event of an exceptional nature that is not under the utility's control.
- > The expense cannot have been reasonably foreseen in the utility's last General Rate Case ("GRC") and will occur before the utility's next scheduled rate case.
- > The expense is of a substantial nature in the amount of money involved.
- > The ratepayers will benefit by the memorandum account treatment.

(Resolution W-4276, 2001 Cal. PUC LEXIS 685, *5.) California American Water's request here meets each of these requirements.

First, the Commission opened this proceeding to "address policies to achieve the Commission's conservation objectives for Class A water utilities by requesting comments on increasing block rates, water revenue adjustment mechanisms, rebates and customer education, conservation memorandum accounts, and rationing programs." (I. 07-01-022, Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities, filed January 11, 2007, mailed January 16, 2007.) Ordering Paragraph 2 of the Conservation OII made all Class A water utilities respondents to this investigation and Ordering Paragraph 4 placed those utilities on notice "that the Commission, for good cause, and to advance the public interest," may enter orders that apply to all Class A utilities. The opening of this proceeding and the application of its orders to all Class A utilities was not under California American Water's control.

Second, the expense could not have been reasonably foreseen in the California American Water's previous general rate cases and will occur before its next scheduled rate case. The Conservation OII

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was issued after California American Water completed and filed its general rate case application for its Los Angeles District (A.06-01-005) and just days before it filed its Coronado, Larkfield, Sacramento and Village Districts (A. 07-01-036 et al.), therefore, California American Water did not include costs related to the Conservation OII in those applications. Moreover, the Commission expanded the scope of the proceeding over time to include more issues that directly affect California American Water. By the time the full extent of California American Water's participation became clear, any possibility of updating its general rate applications, already unlikely under the Commission's Rate Case Plan, had long since passed.

Third, the expenses to participate in the Conservation OII are expected to be substantial due to the complexity of the issues, the multiple parties and intervenors, and the many phases in this proceeding. California American Water currently estimates its expenses to be \$300,000 in 2007, \$200,000 in 2008, and \$100,000 in 2009.

Finally, ratepayers will benefit by memorandum account treatment because these necessary costs will be normalized and spread over a reasonable period of time. Ratepayers will also benefit from California American Water's implementation of conservation programs that are consistent with the Commission's orders in this proceeding.

CONSERVATION ORDER INSTITUTING INVESTIGATION COSTS

MEMORANDUM ACCOUNT

In this advice filing, California American Water requests authority to establish the COIICMA and to record the costs California American Water incurs to participate in the Commission's Conservation OII. These costs will include, but will not be limited to, work performed by subject matter experts, legal counsel, all required customer notifications, and all employee expenses related to this matter.

EFFECTIVE DATE

California American Water requests that this advice filing become effective on the filing date of this Advice Letter, which is October 16, 2007.

NOTICE

In accordance with Public Utilities Code Section 491, notice to the public is hereby given by filing and keeping the advice filing at California American Water's offices at 303 H Street, Chula Vista, California 91910. In accordance with General Order 96-B, General Rules 4.3 and 7.2, and Water Rule 4.1, copies of this advice filing have been furnished to all parties on the attached service list.

Anyone wishing to protest this advice filing may do so by letter via U.S. Mail, facsimile, or email. All protests must be received no later than 20 days after the date of this advice filing. Protests should be mailed to:

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California Public Utilities Commission Division of Water and Audits 505 Van Ness Avenue San Francisco, California 94102 Email: water division@cpuc.ca.gov

Facsimile: (415) 703-4426

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Copies should also be mailed to the attention of Fred Curry, Director, Division of Water and Audits at the same above street address or at fle@epuc.ca.gov.

In addition, protests and all other correspondence regarding this advice letter should also be sent by letter and transmitted via facsimile or electronically to the attention of:

David P. Stephenson
Director of Rates & Planning
California-American Water Company
4701 Beloit Drive
Sacramento, CA, 95838

Facsimile: (916) 568-4260 E-Mail: dstephen@amwater.com

Darlene M. Clark Regulatory Attorney California-American Water Company 4701 Beloit Drive Sacramento, CA, 95838

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Sarah E. Leeper, Esq.
Steefel, Levitt & Weiss
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San Francisco, California 94111

Facsimile: (415) 788-2019 E-mail: sleeper@steefel.com

The protest shall set forth specifically the factual, legal, or policy grounds upon which it is based. The protest shall also describe the effect that approval of the advice letter might have on the protestant. If the protest requests an evidentiary hearing, the protest must state the facts protestant would present at an evidentiary hearing.





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Questions relating to this advice filing should be addressed to Darlene Clark, Esq., California-American Water Company, at (916) 568-2435 or darlene.clark@amwater.com.

CALIFORNIA-AMERICAN WATER COMPANY

David P. Stephenson

Enclosures

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PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA



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San Gabriel County Water District 725 N. Azusa Avenue

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Los Angeles, CA 90012
Attn: City Attorney

Placer County Water Agency P.O. Box 6570 Auburn, CA 95804

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Fruitridge Vista Water Company P.O. Box 15170 Sacramento, CA 95851

Mark West Area Chamber of Commerce 642 Lark Center Drive Santa Rosa, CA 95403

Linda Gonzalez, City Clerk City of Isleton P.O. Box 716 Isleton, CA 95641

Citrus Heights Water District 6230 Sylvan Road Citrus Heights, CA 95610

Harriet Burt California Public Utilities Commission Public Advisor Office, Room 2103 505 Van Ness Avenue San Francisco, CA 94102-3214

Maxine Harrison California Public Utilities Commission Executive Division 320 West 4th Street Suite 500 Los Angeles, CA 90013

County Clerk County of San Diego 220 West Broadway San Diego, CA 92101

City Clerk City of Imperial Beach P.O. Box 427 Imperial Beach, CA 92032

City of Thousand Oaks Water Dept. 2100 E. Thousand Oaks Blvd. Thousand Oaks, CA 91362 Attention M. Helen Lopez, CMC Chief Deputy City Clerk/Rcrds Mgr 11333 Valley Blvd El Monte CA 91731-3293

Florin County Water District P.O. Box 292055 Sacramento, CA 95829

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, of Pacific Grove City Attorney 300 Forest Ave 2nd floor Pacific Grove, CA 93950

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601 Carmen Drive Camarillo, CA 93010

Residents Water Committee 27195 Meadows Road Carmel, CA 93923 Attn: Pat Bernardi

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ALL DESCRIPTION

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Pebble Beach Company P.O. Box 1767 Pebble Beach, CA 93953 Attn: Steven Eimer

Hoge, Fenton, Jones, & Appel, Inc. P.O. Box 791 Monterey, CA 93942 Attn: Thomas H. Jamison Attn: Ronald F. Scholl

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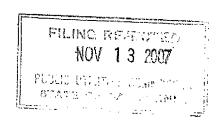
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CALIFORNIA-AMERICAN WATER COMPANY 303 H St., Suite 250 CHULA VISTA, CALIFORNIA 91910 CANCELLING Original C.P.U.C. SHEET NO. 4569-W

PRELIMINARY STATEMENT				
(continued)				

SHEET REJECTED NOV 1 3 2007

PUDLIC UTILITIES COMMISSION STATE OF CALIFORNIA

Q. Felton Low-Income Ratepayer Assistance ("LIRA") Program Memorandum Account

In accordance with D. 06-11-050, this memorandum account is to track (1) the recorded reduction in billed service charge revenue that results from providing the discount to qualified customers (debit), (2) program costs for incremental activities associated with the program (debit), (3) franchise fee and uncollectible expenses (credit), and (4) monthly interest based on the 90-day commercial paper rate.

R. Conservation Order Instituting Investigation Cost Memorandum Account ("COIICMA")

(N)

This memorandum account is to track California American Water's costs of participating in the California Public Utilities Commission's (Commission) Conservation Order Instituting Investigation proceeding. (I. 07-01-022, Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities, filed January 11, 2007, mailed January 16, 2007.) California American Water will seek recovery of these costs in its 2008 General Rate Case. These costs will include, but will not be limited to, work performed by subject matter experts, legal counsel, all required customer notifications and all employee expenses related to this matter.

(continued)

(TO BE INSERTED BY UTILITY)		ISSUED BY (TO BE INSERTED BY C.P.		LP.U.C	2.)	
ADVICE LETTER NO.	676	D. P. STEPHENSON	DATE FILED	OCT	16	2007
		NAME	EFFECTIVE	***************************************	······	
DECISION NO.		MGR - RATES & REGULATION	RESOLUTION	NO.		
		TITLE		-		

303 H Street Suite 250 CHULA VISTA, CALIFORNIA 91910 CANCELING

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Revised C.P.U.C. SHEET NO. 4568-W

The following listed tariff sheets contain all effective rates and rules affecting the charges and services of the Utility, together with other pertinent information:

SUBJECT MATTER OF SHEET

C.P.U.C. SHEET NO.

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NOV 1 3 2007

PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA

(Continued)

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D. P. STEPHENSON

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